IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7457 OF 2005

Miss. Neha Chandru Mirchandani .. Petitioner.

V/s.

Rupee Co-op.Bank Ltd.,& Anr. .. Respondents.

Mr. U.J.Makhija i/by G.S.Godbole & M.S.Parasnis for the Petitioner.

Mr. K.V.Tembe for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATED : 08th JUNE, 2007.

P.C.:

. Shri U.J.Makhija, learned counsel appearing on behalf of the Petitioners, seeks leave to withdraw this petition with liberty to file appropriate proceedings, challenging the attachment levied on Flat Nos. 4A and 4C owned by the petitioners.

2. The present petition challenges two orders, the order passed on Exh. 5 as well as the order passed in Appeal. Both the orders are against the petitioners, who are the original plaintiffs. Mr.Makhija makes a statement that his client would withdraw the suit to pursue such remedies as are available in law against the attachment.

3. Shri Tembe, learned counsel appearing on behalf of the Respondent No.1 submits that if such proceedings are adopted by the petitioner, the respondent No.1 would be entitled to take such defences as would be available to it to oppose the said proceedings.

4. In view of the above, Shri Makhija states that the petitioner would withdraw the petition as well as Regular Civil Suit No. 1262 of 2003 and the Exh.5 Application. The statement of Shri Makhija that Regular Civil Suit No. 1262 of 2003 as well as the application Exh. 5 would be withdrawn, is accepted.

5. The petitioners to withdraw the suit as well as the Application Exh.5 within two weeks from date. Liberty is granted to the petitioners to adopt such remedies as are available and permissible in law against the said attachment.

6. With the aforesaid observations, the petition is dismissed as withdrawn.

(R.M.SAVANT,J.)

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